

VZCZCXYZ0000
OO RUEHWEB

DE RUCNDT #0840/01 2622128
ZNY CCCCC ZZH
O 182128Z SEP 08
FM USMISSION USUN NEW YORK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4965
INFO RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE
RUEHBR/AMEMBASSY BRASILIA IMMEDIATE 0977
RUEHEG/AMEMBASSY CAIRO IMMEDIATE 0985
RUEHIL/AMEMBASSY ISLAMABAD IMMEDIATE 2025
RUEHNE/AMEMBASSY NEW DELHI IMMEDIATE 2311
RUEHRO/AMEMBASSY ROME IMMEDIATE 1010
RUEHKO/AMEMBASSY TOKYO IMMEDIATE 8528

C O N F I D E N T I A L USUN NEW YORK 000840

SIPDIS

E.O. 12958: DECL: 09/15/2018
TAGS: [PREL](#) [KUNR](#) [UNSC](#) [IN](#) [BR](#) [PK](#) [IT](#) [JP](#) [GM](#)
SUBJECT: UNSC REFORM: GENERAL ASSEMBLY PASSES CONSENSUS
DECISION TO LAUNCH INTERGOVERNMENTAL NEGOTIATIONS ON
SECURITY COUNCIL EXPANSION IN AN INFORMAL GA PLENARY

Classified By: Ambassador Zalmay Khalilzad for reasons 1.4 (b) and (d).

¶1. (SBU) Summary: The final, acrimonious negotiations September 15 over the end-of-session report and draft decision by the Open-ended Working Group (OEWG) on Security Council expansion were only resolved with a last minute negotiation on the floor of the General Assembly, prior to closing the final plenary of the 62nd session. According to the consensus decision, the OEWG will continue to discuss the framework and modalities of intergovernmental negotiations until February 1, 2009, and then intergovernmental negotiations will be launched in an informal plenary session of the UNGA no later than February 28, 2009 with a view to seeking a solution that can "garner the widest possible political acceptance by Member States." End summary.

PGA Insists on
Two-tracks

¶2. (SBU) Throughout the negotiations, the PGA and the Vice Chairs of his Task Force on Security Council expansion, the Permanent Representatives of Bangladesh, Chile, Djibouti, and Portugal, tried to appeal to both main blocs by setting forth a two-track process shrouded in "constructive ambiguity," as the PGA described in the September 12 OEWG meeting. To appeal to the Uniting for Consensus (UFC) bloc, led by Italy, Pakistan, Spain, Argentina, and Mexico, the text called for the OEWG to continue immediately to discuss the framework and modalities of intergovernmental negotiations. To appeal to the Group of Four (G-4), led by the leading contenders for future permanent Security Council seats - India, Germany, Japan, and Brazil, the text called for intergovernmental negotiations to commence in an informal plenary of the General Assembly no later than March 2009 that would seek a solution that can "garner the widest possible political acceptance by the membership."

¶3. (SBU) Both sides refused to follow the PGA's path of "constructive ambiguity" and instead clamored for clarity and the track which advanced their interests. India and Germany led the speakers from their group in arguing vehemently against any continuation of the Open-ended Working Group, even for discussion on the framework and modalities for the negotiations. The UFC, while speaking in favor of the idea of intergovernmental negotiations, argued against starting those negotiations in an informal plenary of the UNGA, which would be subject to votes.

¶4. (SBU) The PGA disseminated a compromise proposal late on September 14 which called for a discussion of the negotiating framework and modalities in the Open-ended Working Group with

the PGA presenting the results of these consultations to an informal plenary session of the GA, no later than December 31, 2008. Then, intergovernmental negotiations would commence in an informal plenary of the GA no later than January 31, 2009.

Last minute negotiations
lead nowhere

15. (C) When the 12th meeting of the OEWG meeting opened at 11 am on September 15, Italy spoke first, on behalf of the UFC and called for an amendment of the text to change the venue for intergovernmental negotiation from an "informal plenary of the GA" to the "OEWG." As the Italian Perm Rep made the proposals, the German delegation led a chorus of snickers that proceeded to set the tone for the rest of the day. After ten UFC member states spoke in favor of the amendment and 17 G-4 supporters rejected it, the PGA called for the meeting to be suspended at 1 pm for further consultations. He said he would consider withdrawing the text if no consensus emerged and leave it to member states to decide next steps. The PRs of the main parties then gathered in the PGA's office for a fractious three-hour meeting trying to work out a possible compromise.

PGA withdraws text;
South Africa tables text

16. (C) When the OEWG reconvened at 4 pm, the PGA announced there was no consensus, given the reservations on the text

expressed by 10 delegations, and withdrew it. The South Africans then formally introduced the same text for consideration as their own draft and declared that they had 50 co-sponsors. After a long debate on procedural charges and counter charges, Germany called for an end of the debate.

The PGA then called for two speakers in favor of closing debate and two against, as if the OEWG were going to vote. After hearing two speakers in favor of closing debate and none against, he gavelled the debate closed and then quickly gavelled the text through, though placards were raised in opposition, leaving most in the room stunned. He then was forced to call on those member states with placards raised and they all spoke out against the motion. Pakistan specifically noted that some of their fears about negotiations outside of the OEWG were being realized that day. The PGA then gavelled the session closed with the understanding that the South African proposal would be voted on in the General Assembly plenary, which had suspended its final session in the morning to await the outcome of the OEWG. Both the G-4 and UFC were ready to vote.

UFC decides to concede at 11th hour

17. (C) As the plenary session opened, the Italian Perm Rep approached Ambassador Khalilzad and other members of USdel to say that he had reconsidered. He said that a vote would set a bad precedent for working groups that operate by consensus, and would eliminate the OEWG altogether. Was there still time to make a deal, he asked. He needed two changes to the text: (1) pushing back the start date of intergovernmental negotiations and (2) substituting "taking into consideration" for "taking note of." The G-4 subsequently accepted both changes. At this point, the UFC began to splinter as a bloc and individual members began seeking different changes. The G-4 balked and insisted again on a vote. Ambassador Khalilzad appealed to the G-4 to be gracious and reminded them that, if they were going to work together in the future (on the Council), impressions were already forming about their heavy-handedness. He noted that, while the UFC may have made a mistake in not accepting a compromise earlier, humiliating a group of important countries would make any future proposal on the Security Council's future

unsustainable.

18. (U) Once the PGA gaveled the resumption of the 122nd plenary meeting, the GA plenary agreed by consensus on the decision (A/62/47) concerning the work of the OEWG. The text of the two decisive paragraphs follows:

"(c) Decides, building on the progress achieved thus far, in particular during its sixty-first and sixty-second sessions, as well as the positions of and proposals made by Member States, to continue immediately to address within the Open-ended Working Group the framework and modalities in order to prepare and facilitate intergovernmental negotiations on the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Council. The Chairman of the Open-ended Working Group will present the results of these consultations to an informal plenary session of the General Assembly, no later than February 1, 2009;

"(d) Also decides, taking into consideration the results achieved so far, in particular during its sixty-first and sixty-second sessions, as well as the positions of and proposals made by Member States, to commence intergovernmental negotiations in informal plenary of the General Assembly during the sixty-third session of the United Nations General Assembly, but not later than February 28, 2009, based on proposals by Member States, in good faith, with mutual respect and in an open, inclusive and transparent manner, on the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Council, seeking a solution that can garner the widest possible political acceptance by Member States."

(Note: Full text of the consensus decision (A/62/47) will be available on the UN website and will be sent to IO/UNP once it is posted. End note.)

Comment

19. (C) While G-4 members succeeded in achieving a deadline for the start of intergovernmental negotiations on Security Council expansion in an informal plenary session of the General Assembly, these negotiations are not likely to conclude in the near-term. Any expansion of the Security Council will require the support of two-thirds of the membership. The September 15 decision also includes a political goal of "the widest possible political acceptance by Member States." Any successful resolution on expansion would then require ratification by two-thirds of Member States and all five permanent members of the Security Council.

10. (C) In addition, G-4 cohesiveness has been weakened. Throughout this latest round of negotiations, Japan consistently called for a constructive solution, and worked with the PGA to find a compromise solution. This put it at odds with India and Germany. Germany took a hard-headed approach and tried to browbeat Italy and a few other members of the UFC. The Indian delegation was the most rigid. Their acerbic interventions in the OEWG insulted the UFC, the PGA, and irritated China. The Indian Perm Rep, who spoke after the Chinese DPR at the September 15 OEWG meeting, sharply criticized the Chinese position in support of the OEWG and consensus deliberations, characterizing it as the "swan song of a declining organization (Security Council)." The Italian-led UFC faltered badly, first by their decision to stick to their original position instead of presenting a more compelling alternative earlier in the process to draw the PGA away from his two-track approach, and second by making an 11th-hour compromise that could have been made hours before. Finally, China came out publicly in support of the UFC position September 15 and saw that they had little sway over the African states, many of whom decided to side with the

G-4.
Khalilzad